

The Honorable Barbara J. Rothstein

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST ENVIRONMENTAL ADVOCATES.

Plaintiff.

V

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*

Defendants.

Case No. 2:21-cv-1637-BJR

**COMBINED JOINT STATUS
REPORT AND STIPULATED
SCHEDULING MOTION AND
ORDER**

The Parties to the above-referenced lawsuit regarding the development of Total Maximum Daily Loads for certain types of water pollution in portions of Puget Sound hereby file this status report and stipulated scheduling motion, pursuant to this Court's May 20, 2022 Order. Dkt. #16.

As explained in their previous status report filed on August 15, 2022, the Parties are discussing settlement options, including discussing potential impacts on this matter arising from other litigation regarding the State of Washington's efforts to address water quality in Puget Sound and other waters, and potential future government actions. The Parties are continuing to

make progress during their settlement negotiations, and plan to continue those discussions at this time in an effort to reach a possible settlement.

Accordingly, the Parties wish to continue the extension of the currently pending litigation deadlines for approximately 90 days to facilitate continued discussion of a possible settlement. At the close of that 90-day period, the Parties propose to file a joint status report to advise the Court of the status of their discussions, and whether they request additional time to pursue settlement. Should the Parties report that further settlement discussions are unwarranted, the Parties propose to then file, no more than two weeks after submitting their joint status report, a scheduling motion governing pending litigation deadlines. These include the deadlines for EPA's responsive pleading and administrative record, as well as the items addressed by the Court's initial scheduling order.

The Parties thus jointly request that the Court order them to file a status report by December 1, 2022, to advise the Court of the status of their discussions and whether they request additional time to pursue settlement, should that be appropriate. If the Parties conclude that additional discussions are not warranted at that time and so advise the Court, then the Parties request that the Court direct them to file, no later than December 15, 2022, a motion that proposes a schedule to address the matters in the Court's initial scheduling order, as well as the dates for EPA to file its responsive pleading and the administrative record.

There is good cause to grant this motion because it will allow the Parties time to explore the possibility of a negotiated settlement, before engaging in active litigation that may not be necessary and may impair their efforts to explore settlement. Thus, the relief requested in this motion may preserve the resources of the Court as well as of the Parties.

ORDER

Based on the foregoing joint motion, and for good cause shown, all deadlines in this case are extended and the Parties shall file a status report no later than December 1, 2022, apprising the Court of the status of their discussions concerning a possible settlement and indicating whether they request additional time to pursue such discussions. In the event the Parties conclude

1 that such additional discussions are not warranted and so advise the Court, the Parties shall then
2 file, no later than December 15, 2022, a motion proposing a schedule to address the matters in
3 the Court's initial scheduling order, as well as the dates for EPA to file its responsive pleading
4 and the administrative record.

5
6 It is so ordered, this 1st day of September, 2022.

7
8 
9 United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27